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COMMONWEALTH OF VIRGINIA
DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE AIR POLLUTION CONTROL BOARD

IN RE: BOARD MEETING
HEARD BEFORE: RICHARD D. LANGFORD
CHAIR OF THE STATE AIR POLLUTION CONTROL BOARD

DECEMBER 19, 2018
POCAHONTAS BUILDING
900 EAST MAIN STREET
RICHMOND, VIRGINIA
10:07 A.M.

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1 APPEARANCES:

2 Richard D. Langford, Presiding
3 Chair of the State Air Pollution Control Board

4 Matthew Gooch, Esq.
5 Office of the Attorney General
6 Board counsel

7 BOARD MEMBERS:

8 Ignacia Moreno

9 Nicole Rovner

10 William H. Ferguson

11
12 DEQ STAFF:

13 David Paylor, Director

14 Cindy Berndt

15 Debra Harris

16 Michael Dowd

17 Patrick Corbett

A G E N D A

AGENDA ITEM

Minor New Source Review Permit for proposed
Buckingham Compressor Station

STAFF PRESENTER

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1 (The Air Pollution Control Board meeting
2 commenced at 10:07 a.m. A quorum was present and the
3 taking of testimony commenced as follows:)

4
5 MR. LANGFORD: I'm calling this
6 meeting of the State Air Pollution Control
7 Board to order. Before we begin, I'd like
8 to ask everyone to silence his or her cell
9 phone.

10 I thank you for that. Now,
11 I'd like the Board members sitting on the
12 stage here to introduce themselves,
13 beginning on my left.

14
15 MR. FERGUSON: Good morning. My
16 name is William H. Ferguson. I'm from
17 Newport News, Virginia.

18
19 MS. ROVNER: I'm Nikki Rovner. I
20 live here in the City of Richmond.

21
22 MR. LANGFORD: My name is Richard
23 Langford. I'm from Blacksburg.

24
25 MS. MORENO: Good morning. I'm

1 Ignacia Moreno from Herndon.

2
3 MR. LANGFORD: Thank you. We have
4 a quorum. There are three members of the
5 Board not joining us today. Mr. Hoagland
6 who has a conflict of interest in the action
7 before the Board and two newly sworn in
8 members of the Board, Ms. Kapur and
9 Ms. Bush.

10 Also on stage today is David
11 Paylor, the Director of the Department of
12 Environmental Quality, and the Board's legal
13 counsel, Matthew Gooch, who's an Assistant
14 Attorney General.

15 The only item on today's
16 agenda is the Minor New Source Review Permit
17 for the Atlantic Coast Pipeline, LLC,
18 Buckingham Compressor Station, registration
19 number 21599.

20 Before we begin, I'd like to
21 remind everyone that the Board's meeting on
22 November 8 and 9, the Board received detail
23 presentations from the staff on the
24 development and technical aspects of the
25 draft permit. The public comments received

1 during the permit comment period that ran
2 from August 8 through September 21, the
3 agency response to those comments and staff
4 amendments to the draft minor new source
5 review permit.

6 In addition, the Board heard
7 comments directly from 80 members of the
8 public that had previously commented and a
9 brief presentation from the applicant.

10 After the presentations and
11 public comment, the Board discussed the
12 draft permit and asked numerous questions of
13 staff, but deferred any action on the permit
14 until today's meeting.

15 At this time, I believe the
16 Board would like to go into a closed
17 meeting. Do I have a motion to go into a
18 closed meeting?

19
20 (At this time, members of the public in the
21 gallery began shouting. The Board members left the
22 room at 10:08 a.m., and then returned when the
23 gallery became quiet. The taking of testimony
24 resumed as follows:)
25

1 MR. LANGFORD: Ms. Moreno.

2
3 MS. MORENO: Mr. Chairman, I move
4 that the Board go into a closed meeting,
5 pursuant to Section 2.2-3711 A7 of the Code
6 of Virginia, for consultation with legal
7 counsel and briefings by staff members
8 pertaining to actual or probable litigation.

9 And Section 2.2-3711 A8,
10 consultation with legal counsel regarding
11 specific legal matters requiring the
12 provision --

13
14 MAN IN GALLERY: Will you finish
15 your illegitimate meeting?

16
17 MS. MORENO: -- of legal advice by
18 counsel concerning the Board's public
19 participation procedures for consideration
20 of the draft minor new source review permit
21 for Atlantic Coast Pipeline, LLC's,
22 Buckingham Compressor Station, registration
23 number 21599.

24
25 MR. FERGUSON: Second.

1 MR. LANGFORD: Is there a second?
2 We have a second. There's a motion and a
3 second. All in favor of the motion, signify
4 by saying aye.

5
6 BOARD MEMBERS: Aye.

7
8 MR. LANGFORD: Opposed?

9
10 MAN IN GALLERY: Nay. Nay. Are
11 the residents of Buckingham going to be
12 allowed in that meeting?

13
14 MR. LANGFORD: The only person
15 going into the meeting with the Board is our
16 legal counsel, Matt Gooch. And the full
17 Board has, as stated here in public --
18 public administration procedures
19 [inaudible]. And we will be back as soon as
20 --

21
22 MS. ROVNER: And we come back for
23 the vote.

24
25 (The Board and counsel left the room to go

1 into closed session at 10:10 a.m., and returned at
2 10:43 a.m. The taking of testimony resumed as
3 follows:)

4
5 MR. LANGFORD: The Board has
6 completed their discussions in closed
7 meeting. May I have a motion, please.
8

9 MS. MORENO: I hereby move that the
10 Board end its closed meeting and certify
11 that, to the best of each member's
12 knowledge, one, only public business matters
13 lawfully exempted from open meeting
14 requirements by Virginia law were discussed
15 in closed meeting, to which this
16 certification applies.

17 And two, only such public
18 business matters as were identified in the
19 motion convening the closed meeting were
20 heard, discussed or considered by the Board.
21

22 MR. LANGFORD: We have a motion --
23 we have a motion. Is there a second?
24

25 MS. ROVNER: Second.

1 MR. LANGFORD: We have a motion and
2 a second. Ms. Berndt, would you do a roll
3 call, please.

4
5 MS. BERNDT: Mr. Ferguson.

6
7 MR. FERGUSON: Yes.

8
9 MS. BERNDT: Ms. Rovner.

10
11 MS. ROVNER: Yes.

12
13 MS. BERNDT: Ms. Moreno.

14
15 MS. MORENO: Yes.

16
17 MS. BERNDT: Mr. Langford.

18
19 MR. LANGFORD: Yes. Thank you.

20
21 MS. ROVNER: Mr. Chairman, I have a
22 motion.

23
24 MR. LANGFORD: Go ahead.

1 MS. ROVNER: Mr. Chairman, at the
2 last meeting, I asked a number of questions
3 during the meeting. And since the meeting,
4 we have received a number of pieces of
5 information in response to those questions.

6 And I would like for the
7 public to have an opportunity to respond to
8 that information. And so I make a motion
9 that DEQ hold a public comment period, the
10 minimum that is available to do -- that can
11 be done.

12 And that we hold a public
13 comment period and then vote on the permit
14 after that public comment period.

15
16 MR. LANGFORD: We have a motion to
17 have a minimum additional public comment
18 period. Is there a second to the motion?

19
20 MS. MORENO: I second the motion.

21
22 MR. LANGFORD: Is there discussion
23 on the motion? I will say that I -- for
24 myself, I think that we've had a lot of
25 public comment. I was at the hearing in --

1 in Buckingham and, obviously, at the one
2 here. And I've heard a lot of public
3 comment. I, for one, am not -- I don't see
4 the -- the advantage of holding that.

5 But I understand the concerns
6 by the Board members about that. Having
7 said that, is there any other comments on --
8 on the motion? If not, I'll ask for a vote.
9 Let's do a recall on this as well.

10
11 MS. BERNDT: Mr. Ferguson.

12
13 MR. FERGUSON: Yes.

14
15 MS. BERNDT: Ms. Rovner.

16
17 MS. ROVNER: Yes.

18
19 MS. BERNDT: Ms. Moreno.

20
21 MS. MORENO: Yes.

22
23 MS. BERNDT: Mr. Langford.

24
25 MR. LANGFORD: No. Motion passes.

1 Yes, Ms. Berndt?

2
3 MS. BERNDT: Can I ask a clarifying
4 question?

5
6 MR. LANGFORD: You may.

7
8 MS. BERNDT: Is there -- are there
9 specific documents that you want comment on?

10
11 MR. LANGFORD: Thank you for that
12 question. Yes. The reason for the comment
13 period is that there was -- in response to
14 questions from Board members, there were
15 some additional documents provided to Board
16 members after the close of the comment
17 period.

18 A couple -- two, at least two
19 of the -- of the NGO's, non-governmental
20 organizations, that are -- have made
21 comments on this rule making have asked to
22 have additional opportunity to comment on
23 those particular documents. And so a motion
24 for the public comment is on the additional
25 documentation.

1 MS. BERNDT: So the documents that
2 were sent out by email from me, those two
3 sets of documents, the document you all
4 received directly from -- on the
5 demographics from the [inaudible] Board,
6 that's to be included.

7 Are there any other documents
8 that you all have received directly that you
9 want to include?

10
11 MS. ROVNER: No. But I do have a
12 question for you.

13
14 MS. BERNDT: Okay.

15
16 MS. ROVNER: Are there any other
17 documents that DEQ has received that we have
18 not received?

19
20 MS. BERNDT: There is one that had
21 some clarifying demographic information that
22 was received in between what I think you
23 would've gotten the details on the
24 demographics in that report.

1 MS. ROVNER: So I would like to
2 include that.

3
4 MS. BERNDT: You want to include
5 that? That's actually from SCAC.

6
7 MS. MORENO: Ms. Berndt, ask our
8 counsel -- Mr. Gooch -- whether there are
9 documents that have not been identified that
10 should be included.

11
12 MR. GOOCH: So you're asking beyond
13 the two sets of email that Cindy identified
14 and the EJSCREEN, ecologic report. I'm not
15 aware of any beyond what Cindy has
16 identified.

17
18 MS. MORENO: Thank you.

19
20 MR. LANGFORD: And I assume, to the
21 extent that those documents aren't already
22 on the Buckingham Compressor web site,
23 you'll update it -- you'll upload them and
24 they'll be available. And you'll work out
25 whatever details is required for the APA and

1 when and how and all that.

2
3 MS. BERNDT: Yes, sir.

4
5 MR. LANGFORD: Okay. All right.
6 Staff's going to make a brief presentation
7 today on the draft permit. And will be
8 advising the Board of activities that
9 occurred since the November meeting, some of
10 which we have just finished talking about.

11 The -- before I call Mr. Dowd
12 to begin the staff presentation, there are a
13 few matters to address. I want to correct a
14 statement made at the November 9, 2018,
15 regarding the Board's suitability policy.

16 One of the Board members
17 informed those in attendance that the
18 Board's 1987 suitability policy had not been
19 officially repealed. That's not the case.

20 The policy was officially
21 rescinded by the Board at its December 15
22 and 16, 2008, meeting. So I just want to
23 get that on the record. I want -- also want
24 to advise everyone that the Board can
25 consider additional amendments to the draft

1 permit. We could consider additional
2 amendments. And -- and we'll talk about
3 some -- without further public comment. But
4 as you know, we've already said we're going
5 to do further public comments on -- on some
6 narrow issues.

7 Staff, acting on the Board's
8 behalf, can and should address Board
9 questions and requests without -- and
10 throughout the permitting process, including
11 after the close of the public comment
12 period.

13 Staff also, routinely,
14 addresses questions and concerns raised
15 during the public comment period with an
16 applicant after we close the comment period.

17 This is standard operating
18 procedure in the air permitting process and
19 as well as all the other permitting
20 processes.

21 As we already talked about,
22 the additional information and the fact
23 we're going to have a public comment on it.
24 Lastly, I would like to advise everyone that
25 interference with an orderly and efficient

1 Board meeting or activities that interfere
2 with the right of others to speak is
3 prohibited, and could result in your removal
4 from the meeting.

5 Therefore, we ask that you
6 refrain from interfering with the conduct of
7 the meeting, from making comments while
8 others are speaking. I appreciate your
9 cooperation on that. Now I will call
10 Mr. Dowd.

11
12 MR. DOWD: Trip over my own permit
13 sheets there. Good morning. I'm Michael
14 Dowd. I am the Director of the Air and
15 Renewable Energy Division for DEQ. I'm
16 appearing before the Board today -- I'm
17 sorry.

18
19 MS. BERNDT: Get your microphone.

20
21 MR. DOWD: Okay. It was pretty
22 loud when I did the test earlier. I'm
23 appearing before the Board today to present,
24 again, for the Board's consideration a
25 proposed permit for the Buckingham

1 Compressor Station. At the Board's last
2 meeting on November 8th and 9th, the Board
3 deferred a decision on the proposed
4 compressor station until today.

5 And of course, we've been
6 overtaken by advance of the past few
7 minutes. At the end of my presentation, I
8 was going to make a staff recommendation.
9 That may not be appropriate for today, but
10 we'll get to that point when we get to it,
11 Mr. Chairman.

12 At the November meeting, the
13 Board asked DEQ to provide certain
14 additional information to address questions
15 regarding site suitability, demographics and
16 environmental justice, which we will do
17 today.

18 This morning, I and my
19 colleague -- Pat Corbett -- will briefly
20 describe the project and then address
21 certain technical questions regarding the
22 proposed permit the Board members raised at
23 the last meeting that could benefit from
24 more detailed answers. We will then present
25 our issues relating to site suitability and

1 environmental justice that the Board members
2 raised at the last meeting. Finally, we'll
3 make our -- we won't make our staff
4 recommendation, but will do so soon.

5 Okay. Slide two. The
6 Buckingham Compressor Station is one of
7 three compressor stations planned for the
8 Atlantic Coast Pipeline.

9 It is the only Atlantic Coast
10 Pipeline compressor station in Virginia, and
11 will be the most stringently regulated of
12 three. It uses four natural gas combustion
13 turbines of approximately 55,000 horse power
14 to pump gas through their pipeline.

15 The proposed compressor
16 station is classified as a minor stationary
17 source under Virginia's air permit
18 regulations.

19 But for all intents and
20 purposes, DEQ treated it as a major source
21 in the permit process to insure retention of
22 public health. This slide shows the
23 location of the Buckingham Compressor
24 Station. It is located in Buckingham County
25 on -- on the north side of Route 56, 5.1

1 miles northwest of the intersection of Route
2 60 and Route 56. It is also important to
3 note that the proposed compressor station is
4 located where the Atlantic Coast Pipeline
5 will intersect the existing Transcontinental
6 gas pipeline, a major north-south pipeline.

7 Protection of public health
8 and the environment are DEQ's most important
9 goals. All Virginia air permits require
10 both state of the art air pollution control
11 and assurance the source will not cause any
12 violation of health-based air quality
13 standards, such as National Ambient Air
14 Quality Standards or State air toxic
15 standards.

16 Before discussing how DEQ air
17 permits protect public health, it is
18 important to place the permit process in
19 context and describe how it is intended to
20 function in the overall framework of the
21 Clean Air Act and State Air Pollution
22 Control law. The Clean Air Act envisions a
23 federal/state partnership. First, EPA sets
24 health-based national ambient air quality
25 standards, which are commonly referred to as

1 the NAAQS. It is then the role of the
2 states to achieve and implement the NAAQS.
3 The State Air Pollution Control Board and
4 DEQ implement that NAAQS in Virginia under
5 the authority of the State Air Pollution
6 Control law.

7 The Clean Air Act requires the
8 EPA to set the NAAQS at a level to protect
9 public health with an adequate margin of
10 safety based on evaluation of the most
11 current health science.

12 The Clean Air Act requires
13 that NAAQS be set at a level to protect
14 sensitive populations such as children, the
15 elderly and asthmatics.

16 EPA has established NAAQS for
17 seven pollutants; ozone, nitrogen dioxide,
18 sulfur dioxide, carbon monoxide, lead and
19 two forms of particulate matter, PM10 and
20 PM2.5.

21 The Clean Air Act requires the
22 EPA to review and revise the NAAQS every
23 five years based on the latest health
24 science. Now, let me turn the presentation
25 over to Pat Corbett, who will review the

1 technical aspects of the proposed permit in
2 more detail.

3
4 MR. CORBETT: Thanks, Mike. As he
5 said, my name is Pat Corbett. I work in the
6 Office of Air Permit Programs. I'm going to
7 do a brief overview, much more brief than
8 the previous presentation in November about
9 the permit action.

10 And then discuss the questions
11 and answers that we had at that last
12 meeting. So as we were talking about
13 before, the application was initially
14 received in 2015.

15 The Buckingham County Board of
16 Supervisors approved the site. We received
17 that local government body certification in
18 February of 2017.

19 The application was
20 substantially updated, removing pieces of
21 equipment that were originally proposed and
22 making minor changes to other pieces in
23 August of 2017. And again, it was updated
24 in 2018 reflecting all of the questions that
25 we had had during our permit review process.

1 We completed a draft permit in August of
2 2018. We started a public comment period
3 August 8th of 2018. We held an
4 informational briefing in Buckingham County
5 on August 16th of 2018.

6 We had a public hearing on
7 September 11th of 2018. And we considered
8 comments until September 21st, 2018.
9 Previously discussed the BACT review
10 process.

11 So just as a reminder, the
12 result of our BACT review was that nitrogen
13 oxide or NOx emissions are controlled by
14 Selective Catalytic Reduction, or SCR.

15 Carbon monoxide, CO, VOC or
16 Volt Organic Compounds and Formaldehyde are
17 controlled by oxidation catalysts. And
18 then, there are various natural gas
19 emissions that are being controlled by a
20 vent gas reduction system and reduced
21 pressure for turbine blow-downs.

22 We're capping the pipe during
23 emergency shutdown system tests. We're
24 limiting the number of pigging events. And
25 there's a required daily site walk-thru and

1 quarterly leak detection and repair surveys
2 that require a permit for future use. There
3 are some co-benefits.

4 The permit doesn't regulate
5 methane, but reminding everybody that the
6 capped ESD testing avoids 4.1M cubic feet of
7 natural gas that would've otherwise been
8 vented.

9 And as there are limitations
10 on start-up and shutdown of the turbines,
11 reduces the -- the emissions by over 100M
12 cubic feet.

13 And then because the emissions
14 are fugitive from leaks, it's
15 un-quantifiable the reductions that we'll
16 get from the daily walk-thru and quarterly
17 leak detection.

18 So we talked previously about
19 air quality analysis for dispersion
20 modeling. As Mike mentioned the NAAQS are
21 health-based concentrations that applies
22 throughout the US. There are a variety of
23 averaging times dependent on pollutant and
24 that pollutant's impact on human health. It
25 can be as short as one hour or as long as

1 one year. So the standards are based on the
2 pollutant and its impact. And that
3 Buckingham County currently meets and will
4 continue to meet all ambient air quality
5 standards.

6 So modeling background, what
7 is a background? The background is used in
8 our analysis to determine what the current
9 status of the ambient air and the location
10 is.

11 It's the measured
12 concentration of pollution in the air. It
13 would measure everything that's contributing
14 to pollution in the air, including vehicles,
15 nearby sources that -- that already have
16 permits and are emitting.

17 It also includes things like
18 dry cleaners and auto body repair shops, as
19 well as interstate pollution -- pollution
20 that travels to Virginia from other states.

21 It's important to note that
22 the -- Buckingham has, you know, at least
23 24% less emission than the sites that we
24 selected for our background concentration
25 that we use in the model analysis. And all

1 areas that we used for the background
2 concentrations are currently meeting the
3 standards. Modeling results, we modeled
4 several standards.

5 I'm not going to go through
6 them with you. The NOx and NO2 standards,
7 you have particulate matter. And then the
8 one-hour annual formaldehyde and one-hour
9 hexane standards.

10 And we go to that model and
11 demonstrate compliance with all applicable
12 standards. So ambient air impacts, what --
13 what is the ambient air? Ambient air is
14 anywhere outside of the fence line.

15 A fence line is where a source
16 has restricted the site access, literally
17 put up a fence or other barrier that
18 precludes the public from gaining access.

19 In our dispersion modeling
20 analysis, the maximum impacts are on or very
21 near the fence line, and actually occur for
22 the most part on Dominion's property. So
23 Dominion has a fence around the compressor
24 station. And anywhere that's outside of
25 that fence, even on Dominion's property, is

1 ambient air. And the impacts -- the maximum
2 impacts occur for the most part on their
3 property.

4 And then, we also did a look
5 in -- into kind of give people an idea -- at
6 the property line, the impacts are at least
7 58% lower.

8 In most cases, when you get to
9 the property line, they're 80 to 90% lower
10 than the modeled impacts that demonstrate
11 compliance in our initial analysis.

12 So here's a -- a picture of
13 what I'm talking about here. You can see in
14 the green push pin, that is -- you know --
15 the center of the compressor station.

16 The yellow -- the four yellow
17 right around those, that little fence line
18 there -- that's actually the fence line.
19 And that's where the maximum impacts are
20 for, as you can see starting on the right,
21 one-hour hexane, the 24 annual PM2.5, the
22 annual number two. Then you go around the
23 fence line, the one-hour NO2, the eight-hour
24 CO, the one-hour formaldehyde are all on
25 Dominion's property on the fence line. Then

1 the annual Formaldehyde that is across the
2 street, that's three percent of the annual
3 Formaldehyde standard. So it's a very small
4 portion of the -- the actual standard.

5 If you look in the upper left-
6 hand corner, the approximate Buckingham
7 Compressor Station property line, that's
8 where that 80 to 90% reduction for most
9 impacts occurs.

10 So we already have impacts
11 that are, you know, below the standards.
12 And then, as you move off the property, it
13 just drops off precipitously.

14 So that kind of summarizes
15 what we've already talked about in -- in
16 great detail in the previous meetings. Now,
17 I'll go through the responses to questions
18 that you felt like needed to be a little
19 more cohesively answered.

20 One of the questions was how
21 is a generic BACT analysis done. It's
22 important to note that BACT is a case by
23 case emission limitation. It applies to a
24 particular unit at a particular site. It's
25 not a standard that you apply arbitrarily to

1 every site. It's just -- you have to look
2 at very specific circumstances. It takes
3 into account environmental impacts, which
4 are other benefits and impacts.

5 You can have benefits like
6 reductions in methane that would be
7 considered when we're determining what
8 controls would -- we would require.

9 You would also have
10 considerations like water usage. If you
11 were going to use technology called a wet
12 scrubber that uses water.

13 And there are water
14 considerations that we would need to have in
15 order to determine whether or not the
16 controlled technology may apply at a given
17 site. Control technologies can also
18 generate waste.

19 We would consider the waste
20 impacts when we're doing our review. And
21 then there are economic impacts. And those
22 are economic impacts on the source. And
23 that's the -- generally a level playing
24 field. That level playing field is
25 important to make sure that we're complying

1 with standards the same way across an
2 industry type. It's important that -- and
3 required -- that the emission limitation be
4 achievable during all times.

5 So that's a -- a key aspect of
6 the BACT determination. It has to be
7 achievable throughout the life time of the
8 source. And then we also for -- for
9 Buckingham, we accepted public comment.

10 And that allows, you know,
11 non-governmental organizations, other
12 sources and individuals to comment on any
13 experience that they have where BACT may be
14 more or less stringent than what we
15 proposed.

16 And then, again, it's
17 important to note that BACT is not final
18 until the permit gets issued. So if there's
19 no permit issued, there's no BACT to issue
20 limitation that would be compared for future
21 actions.

22 There were questions about the
23 equipment leak repair adequacy. Again it's
24 important to note, as I just described the
25 overview, it was the result of a BACT

1 review. So it's a case by case
2 determination of the most stringent
3 reduction we can achieve. DEQ reviewed
4 other BACT determinations which were just
5 quarterly leak detection and repair.

6 That's the LDAR on your -- on
7 the presentation. LDAR, leak detection and
8 repair. You have 30 days to actually repair
9 the leaks found.

10 We looked around and we
11 determined that BACT was a daily walk-thru
12 and a quarterly leak detection and repair as
13 well. It has to be practical.

14 And -- and so the initial
15 attempt with this -- with -- is within five
16 days because there are a variety of leaks
17 that could be happen -- that could happen at
18 a site.

19 And our standard has to be
20 achievable for any one of those possible
21 leaks. So we have to provide enough time
22 for the worse case scenario so that
23 requirement is achievable. And then repair
24 has to be completed within 15 days. So how
25 was the number of turbine start-up and

1 shutdown events obtained? Again, this was a
2 review. The turbines operate dependent on
3 demand. So as gas demand changes, the
4 turbine may start-up or shutdown.

5 So a source has to look at
6 their business plan and -- and determine how
7 much, in any one given year, a turbine may
8 start-up or shutdown.

9 And they come and they compose
10 the number of events based on their
11 expectation of their operations. And then
12 we review that based on similar operations
13 and compare it to other permits for -- for
14 similar operations.

15 In this particular case, the
16 North Carolina-West Virginia ACP stations
17 each have 100 events. So that, you know, is
18 consistent with the business plan.

19 The Maryland St. Charles
20 station that was proposed at the time, but
21 it's my understanding it's on hold in
22 Maryland, had 200 events. So -- and then
23 most permits actually don't have any limits
24 on start-up and shutdown. So that -- that's
25 the -- the style of review that we're doing

1 to insure that we're getting the maximum
2 production. One of the big questions was
3 what are the -- what's the process for
4 future possible changes?

5 And what if they want to make
6 a change, expand capacity or reduce
7 requirements. Any emissions increase may
8 require a new permit, may require a new air
9 quality analysis or a new BACT analysis.

10 It's hard to get any more
11 detail than that because the regulations at
12 the time will dictate how that review goes.
13 Lastly, what are the Chesapeake Bay impacts?

14 It's important to note that
15 the TMDL process, which is a separate
16 process than an air quality permit, they
17 review the Clean Air Act requirements.
18 They're already factored in to the TMDL.

19 They review protected growth
20 including into the future and the Clean Air
21 Act requirements that are going to occur.
22 The TMDL process determined that Clean Air
23 Act requirements weren't required for
24 specific sources. And then, of course, the
25 TMDL process will be reviewed and that --

1 and that determination can be revisited at a
2 future site review. That's it. Now I'm
3 going to turn it back over to Mike.

4
5 MR. LANGFORD: And TMDL --

6
7 MR. CORBETT: Oh, I'm sorry. Total
8 Maximum Daily Load.

9
10 MR. DOWD: It's a term that deals
11 with how much of a particular pollutant is
12 allowed into a stream. And -- so those are
13 what -- what you were saying there is that
14 the water impacts are -- are already
15 calculated into the -- with the air
16 requirements.

17
18 MR. LANGFORD: Yes, sir. Thank
19 you.

20
21 MR. DOWD: Do you have another
22 slide?

23
24 MR. CORBETT: Yeah, I'm sorry. I
25 thought -- I thought when you looked at me

1 -- I'm sorry. This is just a slide -- this
2 is a chart of the NOx reductions -- I'm
3 sorry -- in the Virginia plan. This is
4 including growth out to 2028.

5 You can see that we're
6 projecting just Virginia's NOx reductions to
7 be over 200,000 tons. And that includes the
8 growth, which would include the Buckingham
9 Compressor Station at 34.2 tons a year.

10
11 MR. LANGFORD: And looking at it,
12 is that big blue bar -- that's automobiles.
13 Is that what that is?

14
15 MR. CORBETT: I don't have the
16 color-coded ones. Yes, I believe that --
17 yes, I believe is the blue field. I'm
18 sorry.

19
20 MR. LANGFORD: You're close, but
21 I'm talking about the -- well -- so the
22 biggest reduction is going to be the auto
23 sector.

24
25 MR. CORBETT: Yes.

1 MR. LANGFORD: Thank you.

2
3 MR. DOWD: Thank you, Pat. And
4 wait -- there we go. I'm Mike Dowd again.
5 Let me now turn to issues raised by the
6 Board members at the last meeting relating
7 to site suitability and environmental
8 justice.

9 Let me address site
10 suitability first. Section 1307E.3 of the
11 Virginia Code requires DEQ to consider the
12 suitability of the activity to the area in
13 which the proposed facility is located when
14 issuing air permits.

15 Factors DEQ considered when
16 preparing the proposed permit for the
17 Buckingham Compressor Station with a final
18 environmental impact statement prepared by
19 the Federal Energy Regulatory Commission, or
20 FERC, in July of 2017.

21 In particular, DEQ looked at
22 sections on alternatives analysis and
23 cultural resources. DEQ also considered the
24 Union Hill-Woodson Corner Rural Historic
25 District status request for the Department

1 of Historic Resources. And DEQ also looked
2 at its inventory of emission sources in
3 proximity to the compressor station
4 location.

5 However, DEQ gave significant
6 weight to the special use permit issued by
7 the Buckingham County Board of Supervisors
8 in January of 2017.

9 The Virginia Code provides
10 localities with substantial authority when
11 it comes to decisions relating to the use of
12 local land.

13 Section 15.2-2200 of the Code
14 states the law's intent to encourage
15 localities to improve the public health,
16 safety convenience and welfare of its
17 citizens.

18 Localities are to use zoning
19 as a means to plan and develop highway,
20 utility, health, educational and
21 recreational facilities.

22 In addition, localities must
23 recognize the needs of agriculture, industry
24 and business when making land use decisions.
25 Section 15.2-2212 requires that members of

1 county planning commissions be residents of
2 the locality, qualified my knowledge and
3 experience to make decisions on community
4 growth and development.

5 And Section 15.2-2280 states,
6 any locality may -- by ordinance --
7 regulate, restrict, permit, prohibit and
8 determine the use of land, building
9 structures and other premises for
10 agricultural, business, industrial,
11 residential flood plain and other specific
12 uses.

13 The Buckingham County Board of
14 Supervisors approved the special use permit
15 for the compressor station by a five to
16 nothing vote with two abstentions on January
17 5th, 2017.

18 A letter from the Buckingham
19 County Zoning administrator for the Atlantic
20 Coast Pipeline on January 11th, 2017,
21 contained 41 detailed conditions that the
22 Board of Supervisors attached to the special
23 use permit. DEQ received certification of
24 the Board of Supervisors' approval of the
25 compressor station project on February 21st,

1 2017. It is important to note that DEQ can
2 not issue an air permit until it has
3 received certification from the local
4 jurisdiction that the proposed permit has
5 met all local ordinances and other
6 requirements.

7 Among the 41 requirements of
8 the special use permit are many that relate
9 to the compressor station's operation,
10 safety, emergency procedures, noise, light,
11 traffic, compliance and enforcement.

12 I would like to discuss the
13 special use permit in detail to illustrate
14 just how comprehensive it is. Next slide.
15 First, condition four addresses emergency
16 response.

17 It states that during normal
18 operating hours, the applicant is
19 responsible for providing the first response
20 to any emergency relating to the compressor
21 station.

22 Importantly, the applicant
23 must prepare emergency preparedness plan in
24 accordance with the regulations of the
25 Pipeline and Hazardous Materials Safety

1 Administration or PHMSA. But Buckingham
2 County's review and comment prior to when
3 the compressor station starts operation.
4 Next. Condition 40 also deals with
5 emergency response.

6 It requires an applicant to
7 develop a crisis response plan that
8 incorporates notifications to the Buckingham
9 -- to Buckingham County so that if a gas
10 leak, fire or other danger occurs,
11 Buckingham County is promptly notified of
12 the incident.

13 In addition, the applicant
14 must implement a process to notify
15 Buckingham County prior to planned blowdown
16 events. Conditions 33, 34, 35 and 36 of the
17 special use permit address safety issues.

18 Shut off valves must be
19 installed on both the inflow and outflow
20 lines of the compressor station as well as
21 at the connection with the Transco pipeline.

22 And these valves must be
23 designed to operate automatically, remotely
24 and manually. The monitoring system and
25 valves must be programmed to alert personnel

1 to investigate and manually monitor the
2 station when communications are lost. The
3 special use permit also requires a back-up
4 system for monitoring the communications in
5 case the primary system fails.

6 In addition, the applicant
7 must create a 50-foot fire break between the
8 facility and adjacent properties.

9 Conditions nine and -- six and 18 relate to
10 the regulation of noise from the station.

11 Noise mitigation measures must
12 be taken and make all reasonable efforts to
13 keep noise levels from normal plant
14 operations to 55 decibels or less at the
15 property lines.

16 The noise levels from normal
17 plant operations must be less than 55
18 decibels at any adjacent existing building
19 that is not on Dominion's property.

20 Finally, the compressor
21 station must use silencers during blowdowns.
22 Conditions eight, nine and 10 of the special
23 use program regulate light. Exterior
24 lighting must be directed downward and
25 inward in order to prevent any glare on

1 adjacent properties. Exterior lighting for
2 work areas of the compressor station must be
3 switched off while not in use.

4 Lighting at the site must not
5 exceed five-foot candles in exterior working
6 areas and two-foot candles in parking and
7 non-working areas. All lighting must be
8 shielded to prevent light pollution.

9 And finally, light trespass
10 must be limited and should not exceed
11 0.5-foot candles. The last conditions of
12 the special use permit I want to mention are
13 12, 15, 16 and 20, which relate to location,
14 buffer and traffic.

15 These conditions require the
16 compressor station and accessory facilities
17 to be centrally located on the property.
18 Fencing and all structures must have a
19 minimum setback of 100 feet from the
20 property lines.

21 Existing trees along the
22 northwestern property line and along the
23 front of the property must be maintained as
24 a buffer for the life of the station. And
25 finally, a traffic management plan must be

1 submitted and approved by VDOT as part of
2 the overall site development plan. Now,
3 this discussion should give a good sense of
4 the scope and detail of the special use
5 permit.

6 And importantly, the special
7 use permit addresses many -- if not all --
8 of the non-air related safety, emergency
9 response and quality of life issues that
10 were raised in comments from residents
11 received by DEQ.

12 Now, in addition to the
13 Buckingham County Board of Supervisors
14 special use permit, we also considered the
15 final Environmental Impact Statement
16 prepared by the Federal Energy Regulatory
17 Commission.

18 The Environmental Impact
19 Statement was completed by FERC in July of
20 2017. The two sections of EIS that were of
21 most interest to DEQ with respect to site
22 suitability were the alternatives analysis
23 and cultural resources analysis. The
24 alternatives analysis contained two relative
25 components, the no action alternative and a

1 section that considered an alternative
2 location for the proposed compressor
3 station.

4 The cultural resources
5 analysis contained five components relating
6 to the archaeological survey, the historic
7 structures surveys, the special Union Hill
8 area survey, the unanticipated discovery
9 plan and the programmatic agreement.

10 I'll turn first to FERC's no
11 action alternative analysis. The no action
12 alternative addressed broadly whether the
13 Atlantic Coast Pipeline should be built at
14 all, and did not focus on the pipeline's
15 three proposed compressor stations.

16 FERC's final environmental
17 impact statement rejected the no action
18 alternative. In particular, the FERC said
19 the lack -- and this is a quote.

20 The lack of a new pipeline
21 with access to supply sources in the region
22 could prolong the existing supply
23 constraints in the proposed delivery areas,
24 which could create winter-premium pricing
25 and exacerbate price volatility for all

1 natural gas users in the areas, and could
2 increase the difficulty for others in
3 finding economical gas supplies.

4 The FERC also said the burning
5 of natural gas at power plants to produce
6 electricity results in reduced air emissions
7 compared to other fossil fuels, such as coal
8 and fuel oil.

9 According to the EPA, natural
10 gas produces at least 50% less carbon
11 dioxide, almost 70% less NOx or -- oxides of
12 nitrogen. And about 99% less sulfur dioxide
13 compared to a coal-fired power plant. Next.

14 In summary, the FERC said the
15 no action alternative would avoid the
16 environmental impact to the proposed
17 projects, but would likely result in the
18 need for an alternative energy means to
19 satisfy the demand for natural gas and
20 energy in the project area.

21 Given consideration of these
22 factors, we conclude that the no action
23 alternative is not preferable to the ACP and
24 we do not recommend it. That is firm. Next
25 slide. On a more granular scale, FERC's

1 environmental impact statement considered
2 one alternative site to the present location
3 of the proposed compressor station. The
4 alternative site is located at Midland Road,
5 1.9 miles southwest of the present site.

6 I want to mention here that
7 there are factors that constrain where the
8 other locations are acceptable as
9 alternative sites for the compressor station
10 in this case.

11 Those factors include
12 sufficient land, access to the Transco
13 pipeline and a willing seller because
14 eminent domain is not an available option
15 for the construction of the pipeline
16 compressor station.

17 With respect to the
18 alternative site, FERC found the
19 environmental impacts between the proposed
20 site and the Midland Road alternative were
21 similar, but the alternative site would
22 require an additional one mile of pipeline
23 and would increase the construction
24 footprint of the Atlantic Coast Pipeline.
25 The FERC also found the operation of a

1 compressor station would not cause or
2 contribute to a violation of federal air
3 quality standards.

4 And did not believe health
5 would be adversely effected or that the
6 alternative site would be necessary for
7 reasons of air quality or public health.
8 Next slide.

9 First, EIS noted that the
10 Norwood-Wingina and Warminster Historic
11 Districts were 4.5 and 5.9 miles from the
12 proposed compressor station site
13 respectively.

14 And that Yogaville is over 4.5
15 miles away from the site. The EIS said
16 these areas would not be affected by
17 construction or operation of the facility.

18 And that moving the compressor
19 station 1.9 miles to the southwest would not
20 provide a measurable benefit to those areas.
21 The FERC concluded that the Midland Road
22 alternative compression station did not
23 offer significant advantages and did not
24 recommend it. And now I want to turn to
25 FERC's cultural resource assessment found in

1 the environmental impact statement. The
2 FERC, the Virginia Department of Historic
3 Resources and the applicant coordinated on
4 cultural resource assessment to the area
5 surrounding the proposed Buckingham
6 Compressor Station.

7 The cultural resource
8 assessment included a Phase 1 archaeological
9 survey conducted on the site in 2015 and
10 2016 by the applicant's consultant.

11 The Phase 1 assessment found
12 no previously recorded or new archaeological
13 sites, cemeteries or other cultural
14 resources.

15 The Department of Historic
16 Resources concurred with this assessment in
17 February of 2017. The applicant's
18 consultant also conducted historic
19 structures surveys between 2015 and 2018.

20 The historic structures
21 surveys found no structures eligible for
22 listing on the National Register of Historic
23 Places. The Department of Historic
24 Resources, or DHR, concurred with those
25 findings in 2018. At the FERC's request, in

1 April of 2017, the applicant's consultant
2 re-surveyed the area surrounding the
3 Buckingham Compressor Station site with the
4 goal to, quote, identify resources that were
5 integral to the development of the area as
6 an African-American community associated
7 with Union Hill and Union Grove Baptist
8 Churches in the post-Civil War era, end
9 quote.

10 As part of this survey, the
11 consultant also conducted historical
12 research at local repositories and
13 photographed structures located within one
14 half mile radius of the compressor station
15 in order to document the historic character
16 of the surrounding community.

17 The findings of this special
18 survey indicated that the area surrounding
19 the compressor station is, quoting the
20 consultant, dominated by rural, non-farm
21 residences constructed since World War II
22 and generally lacking the historic built
23 environment and agricultural landscape
24 features that characterize the area's late
25 19th and early 20th century development as a

1 distinct community. The special -- this
2 special survey was conducted in the spring
3 of 2017. And the Department of Historic
4 Resources concurred with its findings in
5 July of 2017.

6 There are two other documents
7 associated with FERC's environmental impact
8 statement that helped assure -- that help
9 assure the continued protection of the
10 cultural resources, both during and after
11 construction of the compression station.

12 The first was the
13 unanticipated discovery plan. The
14 unanticipated discovery plan sets forth the
15 procedures that the applicant will undertake
16 in the event that previously unreported and
17 unanticipated cultural materials or human
18 remains are found during the construction of
19 the pipeline.

20 The unanticipated discovery
21 plan was submitted to FERC in January 2018.
22 The second document is the programmatic
23 agreement among the FERC, the applicant and
24 the Virginia Department of Historic
25 Resources which assures compliance by the

1 applicant with the National Historic
2 Preservation Act. The programmatic
3 agreement was entered into in January of
4 2018.

5 I now want to discuss
6 something unrelated to FERC, but that was
7 considered by DEQ relating to the historic
8 nature of the area surrounding the
9 Buckingham Compressor Station.

10 In February 2017, an
11 organization called Preserve Virginia
12 requested the Department of Historic
13 Resources designate Union Hill and Woodson
14 Corner a rural historic district.

15 The preliminary information
16 form submitted to DHR stated that, the
17 significance of the proposed Union
18 Hill/Woods Corner historic district stems
19 from the manner in which the plantation land
20 became, after Emancipation, a community
21 established after the Civil War by Freedmen
22 and a large number of emancipated African-
23 Americans. A majority of the current
24 residents of Union Hill are descendents of
25 the Freedmen and slaves who started the

1 community. The DHR visited the area and
2 asked follow up questions of the applicant
3 in May 2017.

4 Now, the Department of
5 Historic Resources has concluded that on the
6 information provided to it so far, the area
7 does not qualify for rural historic district
8 status for several reasons.

9 DHR said that while the area's
10 history is compelling, it does not differ
11 from the history of Buckingham County as a
12 whole. Other reasons given by DHR for its
13 conclusion was a lack of surviving
14 historically relevant structures.

15 The intense logging and
16 deforestation of the area that likely
17 destroyed relevant archaeology, and the
18 existence of few surviving Reconstruction
19 era and early 20th century clustered
20 settlements to represent the context of
21 African-American heritage.

22
23 MAN IN GALLERY: How can y'all
24 decide that?

1 (At this time, members in the gallery
2 briefly interrupted the speaker by shouting.)
3

4 MR. DOWD: Now, let's return the
5 topic that cites the ability to --
6

7 MR. LANGFORD: Just a minute,
8 Mr. Dowd. Will the people in the audience
9 please refrain from making any comments.
10

11 MAN IN GALLERY: No.

12
13 MR. LANGFORD: If not, I'm -- I
14 will ask the Capital Police to intervene.
15 Thank you for not making comments. Now,
16 Mr. Dowd, you may continue.
17

18 MR. DOWD: Thanks a lot. Now let
19 me turn from the topic of site suitability
20 to environmental justice. I want to begin
21 by mentioning a few items that are relative
22 to the consideration of environmental
23 justice issues in Virginia. In Executive
24 Order 73 of 2017, Governor MacAuliffe
25 defined environmental justice as the fair

1 and meaningful involvement of all people,
2 regardless of race, color, faith, national
3 origin or income with respect to the
4 development, implementation and enforcement
5 of environmental laws, regulations and
6 policies.

7 In addition, Virginia Code
8 67-102.12, which is one of the few Virginia
9 Code divisions that touches on the subject
10 of environmental justice, states that it is
11 the objective of the Commonwealth to develop
12 energy resources and facilities in a manner
13 that does not impose a disproportionate
14 adverse impact on economically disadvantaged
15 or minority communities.

16 And finally, I want to note
17 that the section of the 2018 Virginia Energy
18 Plan that discusses environmental justice,
19 the Energy Plan says DEQ's existing
20 obligations to ensure that all regulated
21 entities comply with health-based standards
22 will continue in all permitting activities
23 to reduce public health burdens on all
24 populations. Okay. Now, factors DEQ
25 considered when assessing environmental

1 justice in this case included air modeling,
2 which indicates emissions from the proposed
3 compressor station will not result in harm
4 to human health.

5 DEQ also considered the
6 results of EJSCREEN, which I will discuss at
7 length in a second. We also considered the
8 public comments, in particular, the study
9 done by Dr. Lakshmi Fjord.

10 Finally, DEQ considered the
11 environmental justice analysis contained in
12 the Federal Energy Regulatory Commission
13 final environmental impact statement.

14 And additional available
15 information includes the demographic
16 analysis prepared by ESRI at the Board's
17 request made at the last meeting. Next
18 slide. Let me now discuss EJSCREEN.

19 EJSCREEN was developed by EPA
20 as an environmental justice mapping and
21 screening tool with a nationally consistent
22 dataset and approach for combining
23 environmental and demographic indicators.
24 When developing EJSCREEN, EPA incorporated
25 recommendations from the National

1 Environmental Justice Advisory Council,
2 known as NEJAC. Now, I want to make clear
3 that EJSCREEN should only be used as a
4 screening tool, and is an indicator if
5 further investigation is warranted.

6 And that's exactly how DEQ
7 used it. Next slide. For a given study
8 area, DEQ will present six demographic
9 indicators.

10 The first demographic
11 indicator is the percent of the study area's
12 population that is low income, which is
13 defined as less than or equal to twice the
14 federal poverty level.

15 The second indicator is the
16 percent of the population that is minority,
17 which is defined as anyone other than a
18 single race, non-Hispanic white person.

19 The third indicator is the
20 percent of the population which has less
21 than a high school education. The fourth
22 indicator is the percent of the population
23 that is linguistically isolated. The fifth
24 indicator is the percent of the population
25 that is under the age of five. And the

1 sixth demographic indicator is the percent
2 of the population that is over the age of
3 64. Next slide. Now EJSCREEN also presents
4 11 environmental impact indicators.

5 These include environmental
6 impact indicators for PM2.5 particulate
7 matter, ozone, the National Air Toxics
8 Assessment or NATA based exposure to diesel
9 particulate matter.

10 Now just as an aside, NATA, or
11 the National Toxics Assessment -- NATA --
12 refers to EPA's ongoing evaluation of
13 national air toxics exposure. The fourth
14 environmental indicator is the NATA cancer
15 risk set forth as risk per million.

16 The next environmental
17 indicator is NATA respiratory hazard index.
18 And the sixth indicator is traffic proximity
19 and volume.

20 The next is the lead paint
21 indicator, based on percentage of pre-1960's
22 housing in the area. The eighth
23 environmental indicator is proximity to
24 superfund sites. Next is proximity to
25 facilities with risk management plans. The

1 10th environmental indicator is proximity to
2 facilities producing and storing hazardous
3 waste. And finally, EJSCREEN -- the newest
4 environmental impact indicator is from
5 wastewater discharge.

6 Now, the data for the six
7 demographic indicators that's presented by
8 EJSCREEN is percentage of population in the
9 study area.

10 And it is compared to the
11 population percentages for the same
12 indicator for the state, the EPA region it's
13 in and the nation.

14 The data for the 11
15 environmental indicators is presented by
16 EJSCREEN as an impact value unique to each
17 indicator.

18 Each environmental impact for
19 a studied area is also presented as
20 percentiles, comparing the impact in the
21 studied area with the information for the
22 same indicator the state, EPA region and
23 nation. Now, the higher the percentile, the
24 greater the relative risk or impact. A
25 number greater than the 50th percentile

1 means the risk posed to the population of a
2 studied area by that indicator is greater
3 than the risk posed from the population of
4 the state as a whole for the same indicator.

5 Conversely, a number below the
6 50th percentile means the risk posed to the
7 population in the studied area by that
8 indicator is less than the risk posed to the
9 population of the state as a whole.

10 Okay, next slide. Now let me
11 discuss the results of EJ -- DEQ's EJ run --
12 EJSCREEN runs. DEQ conducted four EJSCREEN
13 runs centered on the location of the
14 proposed Buckingham Compressor Station.

15 We did runs of one-, two-,
16 five- and 20-mile radiuses from the site.
17 The demographic data were consistent for all
18 four runs. The minority population varied
19 37 and 39% versus the Virginia average of
20 37% minority.

21
22 MAN IN GALLERY: That's not true.

23
24 (At this time, members in the gallery
25 interrupted the speaker by shouting.)

1 MR. DOWD: The low income
2 population varied between 39 and 41% versus
3 a Virginia average of 27% low income. The
4 population with less than a high school
5 education varied between 19 and 24% versus a
6 Virginia average of 11%.

7 And the population of
8 residents older than 64 varied between 16
9 and 22% versus a Virginia average of 14% of
10 the population older than 64. Now, the
11 EJSCREEN results of the environmental impact
12 indicators were interesting.

13 Seven of the environmental
14 impact indicators fell below the 20th
15 percentile for risk for the area surrounding
16 the Buckingham Compressor Station when
17 compared to Virginia as a whole for those
18 four runs.

19 The two point -- the PM2.5
20 indicator varied between the 10th and the
21 15th percentile. The ozone indicator fell
22 into a third percentile. The NATA diesel PM
23 indicator ranged from between the fifth to
24 the seventh percentile. The NATA air toxics
25 cancer risk indicator is in the 20th

1 percentile. The NATA respiratory hazard
2 index indicator was in the sixth to seventh
3 percentile. The traffic proximity indicator
4 ranged from the sixth to the 18th
5 percentile, which increased with distance
6 from the compressor station.

7 The hazardous waste proximity
8 indicator ranged from fourth to the sixth
9 percentile. Now, an eighth environmental
10 impact indicator proximity of RPM -- a
11 facility, risk management planning facility
12 -- ranged from the 16th to the 48th
13 percentile, which also increased with
14 distance from the compressor station
15 location.

16 Next slide. Now only three
17 non-air-related environmental impact
18 indicators fell above the 50th percentile
19 when compared to the state as a whole for
20 these indicators.

21 The lead paint indicator
22 ranged from the 61st to 62nd percentile due
23 to percentage -- due to the percentage of
24 pre-1960's housing in the area. The
25 superfund proximity indicator ranged from

1 the 58th to the 80th percentile due to the
2 presence of the Buckingham County Landfill
3 superfund site, which his approximately 10
4 miles away from the compressor station.

5 And finally, the new
6 wastewater discharge indicator ranged from
7 the 82nd to the 90th percentile. Now that
8 percentile sounds high and we looked into
9 it.

10 There were really very few
11 wastewater discharges around the area. We
12 contacted the EPA about it. And the EPA
13 noted to us that this is -- this is the
14 newest indicator the EPA folks are looking
15 at.

16 They believe it is a glitch in
17 the data. And they don't understand either
18 what we're trying to figure out. So since
19 this is going to public comment, maybe we
20 can receive comment on that question.
21 Because it's in our new...

22 Okay, next slide. EJSCREEN
23 results indicate that the residents of the
24 area surrounding the Buckingham Compressor
25 Station overall face potential environmental

1 risks below those faced by Virginia
2 residents as a whole.

3
4 MAN IN GALLERY: No.

5
6 MR. DOWD: Seven of the 11
7 environmental indicators --

8
9 (At this time, members of the gallery
10 interrupted the speaker by shouting.)

11
12 MR. DOWD: -- show impacts of the
13 area surrounding the compressor station to
14 be substantially below the risks posed to
15 state residents as a whole for those
16 indicators.

17 One of the environmental
18 indicators, the RPM proximity indicator,
19 showed impacts of the area to be somewhat
20 below that as the state as a whole for the
21 indicator.

22 And only three non-air-related
23 environmental impact indicators fall above
24 the 50th percentile when compared to the
25 state as a whole for those indicators. I

1 now turn to the environmental justice
2 analysis contained in the Federal Energy
3 Regulatory Commission's final environmental
4 impact statement.

5 In its EIS, the FERC noted
6 only one potential environmental justice
7 issue related to the Buckingham Compressor
8 Station. That concerning the rates of
9 asthma in minority populations.

10 The FERC environmental impact
11 statement said that in view of the high
12 rates of asthma within the overall African-
13 American community, we consider this
14 community especially sensitive.

15 African-American populations
16 have a greater prevalence of asthma. Next
17 slide.

18
19 MAN IN GALLERY: Because of the
20 compressor station.

21
22 MR. DOWD: However, the FERC has
23 concluded --

24
25 (At this time, members of the gallery

1 interrupted the speaker by shouting.)

2
3 MR. LANGFORD: Officers, would you
4 take of that? I'm going to call a recess.

5
6 (At this time, the Air Pollution Control
7 Board meeting stood in recess at 11:36 a.m, and
8 resumed at 11:40 a.m. The taking of testimony
9 resumed as follows:)

10
11 MR. LANGFORD: Everybody take their
12 seats. I'll remind people that those sorts
13 of activities are not helpful. I understand
14 that many of you don't agree with some of
15 the things that are being said or opinions
16 of our other agencies.

17 That's okay. And you are
18 going to have an opportunity for public
19 comment. We've already said that, so you'll
20 have the opportunity -- in the proper forum
21 -- to express your disagreement with those.

22 But in order to keep our
23 meeting going, we do have to ask for -- to
24 maintain order and let the speakers proceed.
25 Mr. Dowd.

1 MR. DOWD: Okay. Thank you,
2 Mr. Chairman. Just to conclude with the --
3 with the FERC analysis. The FERC concluded,
4 however, despite the prevalence of -- of --
5 prevalence of asthma in the African-American
6 community, the FERC concluded that health
7 impacts from the compressor station
8 emissions would be moderate because while
9 they would be permanent facilities, air
10 emissions would not exceed regulatory
11 permitable levels.

12 As a result, no
13 disproportionately high and adverse impact
14 on environmental justice populations as a
15 result of air quality impacts, including
16 impacts from the -- associated with the
17 proposed Compressor Station 2, or the
18 Buckingham County Compressor Station, would
19 be expected as a result of the ACP.

20 In addition, FERC also
21 concluded that while the area surrounding
22 the Buckingham Compressor Station qualified
23 as an environmental justice area for the low
24 income population indicator, it can not
25 qualify for the minority population

1 indicator. Other materials pertaining to
2 environmental justice included Dr. Fjord's
3 analysis, which concluded that the
4 population with -- within 1.1 miles of the
5 proposed location of the compressor station
6 was 83% minority.

7 Dr. Fjord's analysis was based
8 on a house to house survey. Now it is
9 important to note here in both the EJSCREEN
10 and the FERC EJ analysis relied on census
11 tract data to generate their results.

12 Another piece of information
13 pertaining to environmental justice is the
14 updated ESRI demographic analysis that was
15 requested by the Board in the November
16 meeting.

17 The ESRI analysis also relied
18 on census data for its results, just like
19 the EJSCREEN and the FERC EJ analysis, as I
20 mentioned before.

21 The ESRI analysis concludes
22 that the area within one-half mile of the
23 proposed compressor station is 22% minority.
24 The area within one mile, 29% minority and
25 the area within two miles is 28.5% minority.

1 The ESRI analysis further concludes that the
2 per capita and median household income of
3 the area around the Buckingham Compressor
4 Station is actually higher than that of the
5 state as a whole.

6 Finally, the results of the
7 ESRI analysis were reviewed by VCU Douglas
8 Wilder School of Public Policy. Now in
9 summary, Dr. Fjord's analysis indicates the
10 area surrounding the Buckingham Compressor
11 Station is clearly an environmental justice
12 area for minority population.

13 The FERC environmental justice
14 analysis, on the other hand, concludes the
15 area surrounding the compressor station is
16 EJ area only with respect to low income
17 population.

18 In the updated ESRI analysis
19 concludes that the area surrounding the
20 compressor station is not an environmental
21 justice area for either minority population
22 category or the lower income population
23 category. In the EJSCREEN demographic, the
24 indicator found the minority population
25 around the compressor station to be in the

1 range of 37 to 39%. In conclusion,
2 regardless of the percentage of the minority
3 population, air modeling indicates that
4 emissions from the proposed Buckingham
5 Compressor Station will not harm human
6 health.

7 In addition, the area
8 surrounding the compressor station contains
9 few existing air pollution sources and far
10 fewer than the Virginia average.

11 The available data indicate
12 that the environmental and health risks
13 faced by residents of the area surrounding
14 the Buckingham Compressor Station overall
15 are lower than those faced by the residents
16 of Virginia as a whole.

17 And finally, no data indicate
18 the proposed compressor station would impose
19 any disproportionate adverse environmental
20 impacts on the surrounding area when
21 compared to Virginia as a whole.

22 Now, that basically concludes
23 my presentation. Before taking questions --
24 Mr. Chairman, I look to you for guidance on
25 this -- we have worked with various Board

1 members answering questions and working on
2 some language. Should I discuss the
3 revisions? Some proposed --

4
5 MS. ROVNER: Yes, Mr. Dowd.

6
7 MR. DOWD: Okay. Okay, sure. Take
8 me to -- what's on slide 39? Is that
9 recommendations? I don't want to do a
10 recommendation. So stay at conclusions,
11 okay.

12 I'd like to defer questions
13 until after I talk about one other thing
14 about the permit. Based on public comment,
15 Dominion's presentation at the November
16 Board meeting, discussion between DEQ and
17 individual Board members and discussion
18 between DEQ and Dominion.

19 DEQ has worked to provide
20 permit language to implement several changes
21 requested by those Board members. All of
22 these changes make the permit more stringent
23 than that proposed by staff. DEQ has worked
24 with Dominion to assure the accuracy of the
25 language and has obtained Dominion's

1 concurrence that the language is acceptable.
2 And while the revisions that would be
3 proposed to the draft permit are not part of
4 the DEQ staff recommendation -- and will not
5 be part of it -- DEQ does not object to any
6 of these changes.

7 Mr. Chairman, if you'd like we
8 can describe those changes to the proposed
9 permit now. Is that --

10
11 MR. LANGFORD: Yes. I think the
12 Board --

13
14 MR. DOWD: I will turn the
15 presentation back over to Mr. Corbett.

16
17 MR. LANGFORD: The Board would like
18 to hear that.

19
20 MR. DOWD: Yes.

21
22 MR. LANGFORD: Mr. Dowd, I think
23 Ms. Moreno has a question.

24
25 MR. DOWD: Yes.

1 MS. MORENO: Yes. I just wanted to
2 -- and I know the answer, but I wanted to --
3 to hear from you to make sure that the
4 proposed changes we're going to discuss are
5 also responsive of the permit.

6
7 MR. DOWD: Yes. Yes, ma'am.

8
9 MR. CORBETT: All right. As
10 discussed, I'm going to provide a brief
11 overview of the possible amendments. First,
12 I'm going to discuss the amendments that
13 Dominion proposed at the November Board
14 meeting.

15 And then I'll go through a
16 more detailed review of the actual permit
17 language changes for the Board's
18 consideration. So continuous emission
19 monitoring systems, or CEMS.

20 Dominion proposed to install
21 CEMS for NOx on the turbines. So we have
22 created permit language that requires those
23 CEMS to be operated. CEMS have in-depth
24 data handling and quality control assurance
25 procedures that run through EPA's -- I'm

1 sorry, that run through EPA's approved
2 procedures, that promulgate good
3 regulations, and they're quite lengthy. DEQ
4 must approve the plan and any deviations
5 from EPA's approved approach.

6 And then, the language
7 requires quarterly reporting of the summary
8 data in the permit.

9
10 MR. LANGFORD: Just to be clear,
11 these are continuous emission monitors on
12 the exhaust discharge of the natural gas
13 turbines --

14
15 MR. CORBETT: Yes.

16
17 MR. LANGFORD: -- after the control
18 devices selected again by the reduction of
19 the SCR devices.

20
21 MR. CORBETT: Yes. These monitors
22 will --

23
24 MR. LANGFORD: They're for the
25 actual NOx that is leaving the -- the

1 individual turbines going into the
2 atmosphere. Thank you.

3
4 MR. CORBETT: Yes. In order to
5 demonstrate compliance with the emission
6 limitations in the permit. Dominion also
7 proposed to do semi-annual carbon monoxide
8 and VOC volatile organic compound
9 monitoring.

10 So the permit requires
11 monitoring of CO and VOC emissions, again,
12 after control devices for each turbine to --
13 to verify that they're in compliance with
14 the limits.

15 It requires reporting of the
16 data collected. The initial frequency,
17 while Dominion proposed semi-annual, is
18 actually based on hours of operation. And
19 it is akin to monthly monitoring.

20 And then the language also
21 provides for a reduction in monitoring
22 frequency if the data indicates consistent
23 compliant operations at the facility. That
24 frequency reduction must be approved by DEQ.
25 And it can be no less frequent than semi-

1 annually. So that -- that's as far as it
2 can be -- can be reduced to. Dominion also
3 proposed ambient monitoring. So the permit
4 requires the compressor station to purchase,
5 operate and maintain an ambient monitoring
6 station or stations for NO², nitrogen
7 dioxide, and PM2.5.

8 It requires a plan that
9 provides for the siting, operation and
10 maintenance of the station in accordance
11 with EPA requirements. Again, these
12 requirements are quite lengthy, so we
13 handled that through a plan.

14 DEQ and the EPA will be
15 reviewing and approving the plan. Siting
16 will need to meet the EPA criteria. And DEQ
17 has determined that we want the monitors
18 located at or as near as possible to the
19 maximum modeled impacts.

20 DEQ will also solicit input
21 from local stakeholders on the siting of the
22 monitors. This is to make sure some -- some
23 communities would prefer to have monitor
24 sites at a local school where that data may
25 not represent the maximum impact. But it

1 may be what the community wants. And then
2 it also requires BCS to provide the data so
3 it can be publicly available.

4 And now you talk. So now --
5 I'm sorry. Now we'll go through the actual
6 permit language. Those were the amendments
7 proposed by Dominion during the year.

8 And then we'll go through the
9 permit language to cover amendments
10 responsive to public comments that the Board
11 requested and the Board members requested
12 and other language. That's going to be a
13 second before we pull those up.

14
15 MR. LANGFORD: And while you're
16 doing that, these -- the actual permit
17 language has been provided to -- in the
18 Board book prior to this so Board members
19 have had a chance to see the numerous places
20 where they intent to be inserted and added
21 and -- and so forth.

22
23 MR. CORBETT: Yes. So -- so now
24 that that's up there, there are two colors
25 in here that we'll see. One is blue. These

1 are the changes since the November Board
2 meeting. The other is red. Those are
3 changes that were actually tracked and
4 proposed for the -- proposed to be
5 considered.

6 So I'm only going to cover the
7 blue changes. So the -- the first change is
8 on the first page in the draft cover letter,
9 in the fourth paragraph.

10 We've added a sentence
11 clarifying that the liquid collected during
12 station operations must be handled in
13 accordance with the solid and waste
14 regulations. That was in response to
15 comments.

16 On page six, in permit
17 condition one, if you're moving through the
18 permit. We've added a sentence that
19 clarifies that the operation of the turbine
20 below 50% load, which would result in higher
21 emissions, is prohibited.

22 Operation -- it's a
23 clarification. It was always prohibited,
24 but operation below 50% load is only allowed
25 during start-up and shutdown. The next

1 change is on the top of page nine. In
2 condition 7A, we've added the phrase an
3 approved fugitive emission component plan.
4 And that's to clarify that DEQ must approve
5 that plan.

6 Towards the bottom of the same
7 page, still in condition 7. 7E -- sorry, 7E
8 has been added. And that requires specific
9 reporting for leak surveys, including the
10 leaks found and the corrective actions
11 taken.

12 Next change is on page 11. On
13 page 11 in condition 16, two changes have
14 been made. Sorry, the first is to require
15 VOC analysis in addition to the sulfur
16 analysis that was already required for the
17 natural gas burned at the station.

18 That requires a VOC analysis.
19 The second is to adjust the language towards
20 the end to clarify that the standard report
21 format is for performance test, testing
22 stack emissions. And this test will not
23 demonstrate -- or not provide the same style
24 of information. So the plan -- the report
25 must be approved by DEQ. And that's just a

1 clarification. The next change is in the
2 middle of page 15 and conditions 29 and 30.
3 You can see -- you can see condition 29
4 here.

5 We've added the phrase, and
6 approved by, to clarify that the protocol or
7 the testing plan -- we call it protocol --
8 must be approved before performing the test,
9 must be approved by DEQ.

10 The same change has been made
11 in condition 30. On the top of page 16,
12 conditions 31, 32. A sentence has been
13 added to clarify that the test details must
14 be approved by DEQ.

15 Again, the same thing as the
16 protocol that was before. In condition 33,
17 the phrase, and approved by, has been added.
18 Again, clarifying DEQ must approve the --
19 the plan -- the protocol.

20 And at the bottom of the same
21 page in condition 34, we've clarified that
22 the detail of the test must be approved by
23 DEQ for the vent gas reduction system
24 testing to verify that it's operating
25 properly. But those test plans must be

1 approved by DEQ. And then, again, to
2 clarify that the -- the results of the
3 testing won't fit the standard format that
4 DEQ uses, so that the format of the test
5 final report must be approved by DEQ as
6 well.

7 So on page 17, this -- at the
8 top of page 17 is the end of that condition
9 I just discussed. Now we're going to talk
10 about condition 35. It starts on page 17.

11 And this -- this change -- it
12 ends with condition A on page 18. As I
13 said, these are the reasons that I developed
14 slides for the CEMS requirements. There are
15 numerous CEMS requirements.

16 You can see, just to put it in
17 standard DEQ language that we use when we
18 are requiring CEMS. It's four conditions.
19 It's -- it's quite a lot of records and EPA
20 requirements that are already out there and
21 well established.

22
23 MR. LANGFORD: Yeah. And just to
24 clarify, there are various sources in the
25 Commonwealth that already have continuous

1 emission monitors. And those monitors are
2 operated in this same manner. And they're
3 under protocols established by the
4 Department and by the Environmental
5 Protection Agency. And now those have to be
6 done and monitored and -- and maintained.

7
8 MR. CORBETT: Yes, sir.

9
10 MR. LANGFORD: Thank you. That's
11 -- that's another reason why it's so long.

12
13 MR. CORBETT: Yes, it is. And some
14 of the references are, you know, 15 whole
15 pages of -- of things. So beginning on --
16 I'm sorry -- on page 18 further down, we
17 have conditions 39, 40 and 41.

18 Those are the Dominion
19 proposed CO and VOC monitoring requirements.
20 It lays out the requirements that -- to --
21 as Dominion proposed during the November
22 meeting.

23 The conditions require DEQ
24 approval of the monitoring details and
25 reports. And any future reductions in

1 monitoring frequency must be approved by
2 DEQ. It's important to note that the data
3 that DEQ will rely on is at least 24
4 monitoring events.

5 So we will have 24 events'
6 worth of data before there is an allowed
7 reduction in frequency. That could take
8 some time. All right.

9 Starting at the bottom of page
10 18, condition 42 covers the ambient
11 monitoring requirements that Dominion
12 proposed. PM -- as I mentioned, PM2.5 and
13 nitrogen oxide, nitrogen dioxide.

14 All of the provisions work
15 together with these three provisions to
16 insure that the monitor is sited in a manner
17 that's acceptable and -- and follows EPA's
18 criteria.

19 And also lays out that we'll
20 obtain both stakeholder input on the siting
21 of the monitor.

22
23 MR. LANGFORD: And again, for --
24 for the benefit of the audience, the ambient
25 air quality monitors -- there's a number of

1 them located across the Commonwealth that
2 are operated by DEQ as having -- that
3 happens when you deal on your ozone, Code
4 Orange day or such and such as that.

5 And they are subject to very
6 stringent requirements from the EPA about
7 where to site them, how to run them, how to
8 maintain them and -- and make sure they're
9 -- they're accurate.

10 So -- so we're adding -- and
11 that's why, again, we have a lot of language
12 here. But it's all -- it's not new stuff.
13 It's all stuff that's been done by the State
14 for a long time. And -- and so it's --
15 that's the point I wanted to make.

16
17 MR. CORBETT: Correct, thank you.
18 Okay. So moving through the conditions.
19 The next condition is condition 43. This
20 condition requires monitoring of VOC during
21 venting events -- the initial venting events
22 so that we can determine and assure that the
23 modeling analysis is appropriate and
24 accurate. The VOC testing does obtain
25 hexane data which, of course, is of a

1 concern with a natural gas venting event.
2 We're also requiring the VOC testing -- this
3 is ambient testing, so again, not testing
4 from the stack.

5 And so to clarify, it's actual
6 ambient testing located as close as we can
7 to the maximum impact. So it will obtain
8 hexane data.

9 We're also requiring that
10 during the emergency ambient test to verify
11 that the VOC emissions are -- are impacting
12 the area as we expected.

13 It's their technical issues
14 with obtaining direct Formaldehyde data that
15 would be representative of a three-hour
16 stack test because the air flows and the
17 method requires additional data.

18 Which would actually dilute
19 the results so that we'd collect more
20 ambient air than actually would have the
21 higher concentrations of Formaldehyde.

22 And so it would result in a
23 lower number, it's not worth really
24 collecting. And so that's why we're
25 collecting VOC data to make that submission

1 -- that correlation, sorry. That was not
2 proposed by Dominion. That was in response
3 to the public concern. The next change is,
4 again, at the bottom of page 44 -- page 19,
5 condition 44.

6 Lots of numbers. We added the
7 phrase, and approved by, to clarify that the
8 records format must be approved by DEQ.
9 Next change is on the bottom of page 20.

10 Again, as I mentioned, on this
11 page there are some reg changes that were in
12 the original November permit. We added new
13 records that require for the -- all of these
14 conditions that we -- are now new to the
15 permit.

16 And we have to require records
17 to demonstrate compliance with those
18 conditions. So that's what those three
19 conditions do. Condition 45 on page 21.
20 Sorry.

21 This draft permit was semi-
22 annual, essentially, compliance
23 certification where the source had to
24 demonstrate or certify compliance with all
25 the requirements of the permit. That

1 frequency has been reduced to quarterly.
2 And that we've also added the new leak
3 survey reports.

4 In a sense, reports that are
5 required out of condition -- continuous
6 emission monitoring system reports that are
7 required now by permit. So that's in D and
8 in E.

9
10 MR. LANGFORD: And those -- some of
11 that is in response to at least some
12 comments that were made by public about
13 reporting.

14
15 MR. CORBETT: Yes, yes. And -- and
16 data --

17
18 MR. LANGFORD: And the data will be
19 more available?

20
21 MR. CORBETT: Yes.

22
23 MR. LANGFORD: Thank you.

24
25 MR. CORBETT: Sorry. The next is

1 on page 25. Condition 58. Added the
2 phrase, and approved by. Again, the same
3 thing, the testing plan or protocol must be
4 approved by DEQ as a clarification.

5 We've also done that in
6 condition 59. The language is on page 26.
7 Condition 60 has been added on page 26. And
8 this requires hexane testing of the natural
9 gas.

10 The -- this language is the
11 same as the language for the VOC and sulfur
12 testing that I already discussed. And it's
13 separate because the hexane requirements are
14 under a different regulatory authority, the
15 State toxic rule is what we call that which
16 is the State only enforceable.

17 So it goes in a separate
18 section of the permit because of the
19 separate regulatory authority. But other
20 than that, there are no changes to the
21 language.

22 And then in condition 61,
23 again, we added and approved by, for
24 clarification. And then this new fuel
25 analysis that was also added for the permit

1 requirements. And that concludes the review
2 of the possible language.

3
4 MR. LANGFORD: Thank you.
5 Ms. Moreno.

6
7 MS. MORENO: I move that the Board
8 approve the additional amendments to the
9 BACT permit recommended by DEQ staff at the
10 November 8th and 9th, 2018, meeting as
11 presented by staff today and as explained in
12 the outline of possible amendments.

13 And as shown in blue in the
14 draft permit provided today. Thank you,
15 Mr. Langford.

16
17 MR. LANGFORD: Is there a second to
18 the motion? Just second the motion. We'll
19 have an opportunity to talk.

20
21 MR. FERGUSON: Second.

22
23 MR. LANGFORD: We have a second.
24 We have a motion and a second. Ms. Rovner?

1 MS. ROVNER: So the motion is just
2 that the draft permit will now include this
3 language.

4
5 MR. LANGFORD: Right.

6
7 MS. ROVNER: It's not an approval.

8
9 MR. LANGFORD: Correct. This is
10 not an action on the permit because we have
11 an additional public comment period. So
12 that has to be postponed until -- until
13 after that comment period.

14 This is just a -- an action to
15 -- to include some of the things that were
16 brought up during the original public
17 comment and at the request of Board members
18 for inclusion in the permit so that we would
19 have a full permit then to deal with.

20 And going forward the correct
21 -- not on the permit. Just hold it on a
22 meeting. Does anybody have any -- any
23 questions or comments on the motion? Seeing
24 none, all those in favor of the motion to
25 include these blue amendments into the draft

1 permit, signify by saying aye.

2
3 BOARD MEMBERS: Aye.

4
5 MR. LANGFORD: Those opposed say
6 no. That motion is carried. Mr. Paylor?

7
8 MR. PAYLOR: I just would like to
9 clarify my understanding and -- and for the
10 public. As I understood it, the additional
11 comment period that you're calling for is
12 limited to those new documents that -- that
13 were received, and is not comment about
14 these particular draft changes that -- that
15 you have proposed at this point. Is that
16 correct?

17
18 MR. LANGFORD: That is correct.
19 The -- many of these proposals are actually
20 in response to the comments we already got.
21 So we're -- we're ask -- making the permit a
22 good bit more strict, the proposed permit a
23 good bit more strict. But yes. So the
24 public comment period for the minimum period
25 of time will be, as we stated, on the

1 documents that were not available during the
2 original public comment period.

3
4 MS. ROVNER: Once -- I just want to
5 ask about that. I mean, I thought we were
6 asking to have public comment on everything
7 that had been emailed to us. So I guess --

8
9 MR. LANGFORD: So I think there was
10 a particular list of stuff that had --

11
12 MS. MORENO: A list of documents.

13
14 MR. LANGFORD: -- of documents.

15
16 MS. MORENO: We had incorporated
17 into the agency file were the documents that
18 I was referencing in the two emails. Of
19 course, you were the only one that asked for
20 that being the two emails.

21 It's just that was the
22 documents in that email that we had added to
23 the file.

24
25 MR. LANGFORD: And -- and you

1 mentioned Dr. Fjord's --

2
3 MS. MORENO: And the one from
4 Dr. Fjord that she sent directly. And the
5 additional letter from SELC about
6 demographics.

7
8 MR. LANGFORD: Yeah, and the
9 demographic stuff.

10
11 MS. MORENO: It was not ever in my
12 mind anything to do with that -- the
13 modified permit.

14
15 MR. LANGFORD: Yeah. Changes
16 included into the permit are pretty much in
17 response to the previous permit -- public
18 comment period. Are there other items that
19 we need to consider?

20
21 MS. ROVNER: I don't know. I was
22 the one that made the motion. And the
23 motion that I made was the documents that
24 were emailed to us. So if I made a motion
25 that didn't include this, I didn't

1 understand that.

2
3 MS. BERNDT: The motion was
4 actually just to hold the public comment
5 period on the vote on Sunday. It was my
6 clarifying question that went to --

7
8 LADY IN GALLERY: Can you use a
9 microphone?

10
11 MS. BERNDT: -- the documents that
12 were emailed.

13
14 LADY IN GALLERY: We can't hear
15 you.

16
17 MS. BERNDT: The motion that you
18 made just was to hold a public comment
19 period and then vote on the permit. And the
20 clarifying discussions were based on my
21 request and referenced the additional
22 documents that had been emailed. It was
23 never -- the ones that I referenced were the
24 ones that were the additional documents that
25 the Department had put into the agency

1 files. The document that I knew y'all had
2 received directly from Dr. Fjord. And then
3 there was the other email from SCLC that had
4 some additional demographic information.

5 There was no mention of or
6 inclusion of the modified draft permit that
7 had been sent to y'all. So if that is an
8 intent, that needs another motion.

9
10 MR. LANGFORD: The draft permit is
11 much the same as the permit that was already
12 public noticed. Between that, about 80
13 commenters at the public hearing in
14 Buckingham.

15 Another 80 or so at the -- at
16 the public hearing. We've had the public
17 comment period for written comments and the
18 extension of that by 10 days.

19 And there's really nothing in
20 this document that -- that hasn't been
21 already discussed. But the things we added
22 a moment ago were all requested by one
23 commenter or another. So --

24
25 MR. GOOCH: Hold on. I can clear

1 that up. The comments were overwhelmingly
2 to reject the pipeline. This is not a
3 response to the comments.

4
5 MR. LANGFORD: We did -- there --
6 because we looked at the comments. I sat
7 through 16 hours of -- of personal comments
8 --

9
10 MAN IN GALLERY: Yeah, but you
11 still can't hear us. That's the problem.
12 You still can't hear us.

13
14 MR. LANGFORD: Sir --

15
16 LADY IN GALLERY: We have updated
17 map showing 34 homes, not four that they put
18 their data on. I've got a map I can give
19 you.

20
21 MAN IN GALLERY: Dominion failed to
22 --

23
24 MR. LANGFORD: We'll come to order.
25 And please, if you -- restore order. Those

1 documents that you just mentioned are
2 included in what we are going to have public
3 comment on.

4 So don't get too excited about
5 it. Because that is part of the -- of the
6 new public comment. The only thing we're
7 saying is that the actual language in the
8 draft permit isn't -- at least, it isn't at
9 this point.

10
11 LADY IN GALLERY: Can we ask a
12 question?

13
14 MR. LANGFORD: So --

15
16 MS. BERNDT: So let me make sure I
17 understand. What we're asking for public
18 comment on is the new information that we
19 received since the last meeting.

20
21 MR. LANGFORD: Correct.

22
23 MS. BERNDT: This is not included
24 because this is the same permit that was
25 before us before with some additional

1 provisions.

2
3 MR. LANGFORD: That make it more
4 stringent.

5
6 MS. BERNDT: That make it more
7 stringent.

8
9 MS. ROVNER: I think I can live
10 with that. I was -- okay. Thank you.

11
12 MR. LANGFORD: All right.
13 Ms. Moreno.

14
15 MS. MORENO: I had asked Mr. Paylor
16 to speak with the Department of Health to
17 consider whether the Department of Health
18 could respond for a request from the public
19 or a health assessment. And I'd like to ask
20 Mr. Paylor to tell us about his discussions
21 on that topic.

22
23 MR. PAYLOR: Thank you, Ms. Moreno.
24 I did discuss options with the epidemiology
25 section of the Health Department. They do

1 have a program that would allow them to do a
2 health assessment that is affiliated with
3 ATSDR. And -- and they have -- actually
4 have some future planning to do that.

5 And they are -- would be very
6 willing to take that on. It is a program
7 that works at both modeled and monitored
8 data.

9 And so it would take place
10 over -- over several years. But they have
11 told me that they would be more than willing
12 to undertake that -- this.

13
14 MS. MORENO: And Mr. Paylor, I
15 understand that the data that would be
16 required for the assessment is exactly the
17 type of data that is being collected at the
18 site.

19
20 MR. PAYLOR: That -- that is
21 correct.

22
23 MS. MORENO: Thank you.

24
25 MR. LANGFORD: Did you want to

1 request that that be done or waste of time?

2
3 MR. PAYLOR: I will share with the
4 Board for now that we -- that I will
5 specifically request that of the Health
6 Department. And I have confidence that
7 they're prepared to move forward with that.

8
9 MR. LANGFORD: Okay. Let us know
10 --

11
12 MS. MORENO: We also had discussed
13 that if there's any -- anything in writing,
14 any or all that is available now that we
15 could share in the permit file, that that
16 would give the public an idea of what it is
17 we're talking about. That we would do that.
18 If that's available, that would be helpful.

19
20 MR. PAYLOR: My whole intent is
21 that as well.

22
23 MR. LANGFORD: Thank you. Having
24 -- since we've postponed the vote on the
25 permit -- that won't happen until some time

1 in the future. We've got to do public
2 comment period, a minimum time, on some new
3 documents that -- that have been put into
4 the record.

5 And as of that, I think we've
6 come to the end of our meeting. Is there a
7 motion to adjourn? One, second only.

8
9 LADY IN GALLERY: Is it going to be
10 the four of you or --

11
12 MR. LANGFORD: Hold on. The
13 question is -- has to do with -- with this
14 health assessment that we just asked to be
15 done, how will that be handled. Mr. Paylor.

16
17 MR. PAYLOR: It was my
18 understanding from talking with Ms. Moreno
19 that I would ask the Health Department to
20 outline their protocol.

21 And we would make that
22 information available to the Board and to
23 the public. But nothing about the results
24 of that would be anything that -- that would
25 be available in -- in any near time. So I

1 think it's -- it's reasonable to ask the
2 Health Department to outline their protocol,
3 at least, so that you and the public know
4 what that is.

5 But I don't expect that to be
6 -- I don't understand that to be a subject
7 of the public comment period.
8

9 MR. LANGFORD: Yeah. That's what I
10 understood as well.
11

12 MAN IN GALLERY: How many Board
13 members will vote? How many Board members
14 will hear the new information --
15

16 MR. LANGFORD: Do I hear a motion
17 to adjourn?
18

19 LADY IN GALLERY: How many Board
20 members will --
21

22 MR. LANGFORD: There's a motion to
23 adjourn. All in favor, say aye.
24

25 BOARD MEMBERS: Aye.

1 MR. LANGFORD: Motion -- meeting is
2 adjourned.
3

4 (The State Air Pollution Control Board
5 meeting concluded at 12:18 p.m.)
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1 CERTIFICATE OF THE COURT REPORTER
2

3 I, Debroah Carter, hereby certify that I
4 was the Court Reporter at the BOARD MEETING of the
5 STATE AIR POLLUTION CONTROL BOARD, heard in Richmond,
6 Virginia, on December 19th, 2018, at the time of the
7 Board Meeting herein.

8 I further certify that the foregoing
9 transcript is a true and accurate record of the
10 testimony and other incidents of the Board meeting
11 herein.

12 Given under my hand this 30th of December,
13 2018.

14
15 

16 _____
17 Debroah Carter, CMRS, CCR
18 Virginia Certified
Court Reporter

19 My certification expires June 30, 2019.
20
21
22
23
24
25